

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BIANCA BUCANO,</b>	<b>:</b>	<b>CIVIL ACTION NO. 3:16-CV-1607</b>
	<b>:</b>	
<b>Petitioner</b>	<b>:</b>	<b>(Chief Judge Conner)</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>SUPERINTENDENT SMITH,</b>	<b>:</b>	
	<b>:</b>	
	<b>:</b>	
<b>Respondent</b>	<b>:</b>	

**ORDER**

AND NOW, this 3rd day of January, 2019, upon consideration of the court's order (Doc. 25) of November 19, 2018, wherein the court adopted, without objection, the report and recommendation (Doc. 24) of Magistrate Judge Joseph F. Saporito, Jr., and denied Bucano's petition (Doc. 1) for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and further upon consideration of Bucano's motion (Doc. 26) to oppose the court's order and request for review, wherein Bucano asks the court to reopen this case and asserts that she did not receive and has never received a copy of the report and recommendation dated October 16, 2018,<sup>1</sup> and thus did not have an opportunity to object thereto, and the court crediting Bucano's assertion in view of her diligence throughout the course of this litigation and a recent lockdown of state correctional facilities in the Commonwealth which impacted inmate access

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<sup>1</sup> The court's prior order (Doc. 25) erroneously identified the report and recommendation as having been filed on September 25, 2012. The correct filing date as reflected on the court's Case Management/Electronic Case Files system is October 16, 2018.

to mail, and concluding that, in the interest of justice, it is appropriate to vacate the court's prior order, reopen this case, and allow Bucano an opportunity to object to Judge Saporito's report and recommendation, it is hereby ORDERED that:

1. The court's order (Doc. 25) of November 19, 2018, is VACATED.
2. The Clerk of Court is directed to mail a copy of Judge Saporito's report (Doc. 24) of October 16, 2018, to Bucano together with a copy of this order.
3. Bucano shall have until **Wednesday, January 23, 2019**, to file any objections to the report and recommendation.
4. Respondent may file a brief in opposition to any objections filed by Bucano in accordance with the Local Rules of Court.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania